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August 5, 2015

**VIA ECF**

Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Lerner Motion for Clarification  
Misc. Action No. 12-MC-0557 (BMC)

Dear Judge Cogan:

We represent respondent Frederick M. Oberlander. We write to express the same concerns for Mr. Oberlander, as contained in Mr. Lerner's Motion. Mr. Oberlander also has received requests to publish on the same and similar topics.

As Mr. Lerner argued, we also argue for the record that we too believe that your honor's failure to address our arguments of legal insufficiency and your referral of private petitioner's "charges" that Mr. Oberlander violated a district court's orders or the Second Circuit's order(s) by, for example, violating sealing orders which have never been found or docketed and thus obviously have no decretal language; and or by violating Second Circuit orders that had previously expired or lapsed; and or by incorporating public information into his writings that also were contained in sealed documents, and or other information from other sources not solely under seal, has created a chilling effect, particularly in view of your comments in open court that you believe there is probable cause to prosecute for criminal contempt, thus causing him fear and inhibiting him as a result of his uncertainty concerning whether or not he will be prosecuted for publishing materials as described above. It is on that basis that we also seek clarification.

However, in view of your honor's response to Mr. Lerner's request for emergency relief this morning, rather than make a similar motion of our own and burden the court, we ask



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instead that you please confirm, by endorsement and docketing, that Mr. Oberlander would receive the same reply in response to asking for the same clarifying or limiting orders.

Respectfully submitted,



Jeffrey C. Hoffman

cc: Elizabeth Jane Kramer  
Frederick Martin Oberlander  
Michael P. Beys  
Nader Mobargha  
Richard E. Lerner  
Robert S. Wolf  
Simon J. K. Miller  
Stephen Charles Green  
Todd Kaminsky